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mince its words, still I scarcely think that they would forbid all which might corrupt the most corruptible, or that society is prepared to accept for its own limitations those which may perhaps be necessary to the weakest of its members. If there be no abstract definition, such as I have suggested, should not the word 'obscene' be allowed to indicate the present critical point in the compromise between candor and shame at which the community may have arrived here and now? If letters must, like other kinds of conduct, be subject to the social sense of what is right, it would seem that a jury should in each case establish the standard much as they do in cases of negligence. To put thought in leash to the average conscience of the time is perhaps tolerable, but to fetter it by the necessities of the lowest and least capable seems a fatal policy."

Municipal Fuel Yards.—The Legislature of Maine, in 1903, enacted the following law: "Any city or town is hereby authorized and empowered to establish and maintain within its limits a permanent wood, coal, and fuel yard, for the purpose of selling at cost wood, coal, and fuel to its inhabitants. The term 'at cost,' as used herein, shall be construed as meaning without financial profit." At the municipal election held in Portland on December 2, 1912, the question of establishing a fuel yard under the terms of the above act was submitted to the voters, and the majority voted in favor of the proposition. On February 3, 1913, both branches of the city council passed a resolution in favor of the same proposition; and on February 4, 1913, this resolution was duly approved by the mayor and became effective. A special committee was appointed to investigate and obtain full information as to the cost of plant, machinery, rolling stock, and things whatsoever necessary to the establishment of a municipal fuel yard. The Supreme Judicial Court of Maine, in *Laughlin v. City of Portland*, 90 Atlantic Reporter, 318, held the act valid. Over the objection that it was not for a public use—such as water supply and lighting—the court said: "In the case of fuel, the practical difficulty is caused by the existence of monopolistic combinations. The mining, transportation, and distribution of coal has, in the process of industrial development, fallen into the hands of these combinations to such an extent that the greater part of the supply is in the absolute control of a few. The difficult and practical impossibility of obtaining an adequate supply for private needs at times in the past, and the consequent suffering among the people, especially in the more populous cities, are matters of history, and this difficulty may as well be caused by unreasonable prices as by shortage in quantity. All this is a matter of common knowledge and cannot be overlooked by the court. The supply of water may be inadequate from one cause, that of fuel from an-

other, but out of each arises the condition which renders the furnishing of it by the municipality a public use."

A Suit for a Degree of Doctor of Dental Medicine.—In the case of *Tate v. Northern Pacific College*, 140 Pacific Reporter, 743, the Supreme Court of Oregon makes, in substance, the following statement of the law and facts:—

This is a suit in equity for a decree requiring the defendant to issue to the plaintiff a diploma, and to confer upon him the degree of Doctor of Dental Medicine. The defendant is a corporation organized and existing under the laws of this state, and engaged in conducting a college for the education and training of students in the science of dentistry. Prior to the time that the plaintiff became a student in its college, defendant adopted and published the following rule, fixing the conditions upon which it would graduate its students, and confer upon them the degree of Doctor of Dental Medicine: "The candidate must be twenty-one years of age, and must possess a good moral character, which will include good deportment while at college. Students who have devoted the required time to the study of dentistry, and have fulfilled all requirements, and passed satisfactory examinations in all the subjects of study, and have successfully completed the required infirmary course, receive the degree of Doctor of Dental Medicine." There were other rules as to the payment of tuition, the time required for graduation, etc. The student was required to attend the college three college years to entitle him to a diploma and degree. The plaintiff, with knowledge of this requirement, entered the college, matriculated, and attended its sessions with the intention of obtaining a degree. These acts on the part of the college and of the plaintiff constituted a contract. The plaintiff agreed that he would comply with all of the requirements of the college, and the college agreed that it would issue to him a diploma, and confer upon him said degree on his complying with said requirements. To entitle plaintiff to a diploma and a degree he must have fulfilled all of the requirements. The evidence showed that the plaintiff had not complied with the requirements as brought out in the catalogue of the college; that he had not spent the required length of time in studying. The Supreme Court of Oregon held that the faculties of colleges who are authorized to examine their students, and pass on the question whether students have performed all the conditions required to entitle them to degrees, exercise quasi judicial functions, and their decisions are conclusive if they act within their jurisdiction, in good faith, and not arbitrarily, and that plaintiff was not entitled to relief.